

TITLE 326 AIR POLLUTION CONTROL BOARD

FINDINGS AND DETERMINATION OF THE COMMISSIONER PURSUANT TO IC 13-14-9-7 AND SECOND NOTICE OF COMMENT PERIOD #00-183(APCB)

DEVELOPMENT OF NEW RULES CONCERNING INCORPORATION OF NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR OFF-SITE WASTE AND RECOVERY OPERATIONS, PULP AND PAPER PRODUCTION (NONCOMBUSTION), PHOSPHORIC ACID MANUFACTURING AND PHOSPHATE FERTILIZERS PRODUCTION, GENERIC MACT, PESTICIDE ACTIVE INGREDIENT, MINERAL WOOL PRODUCTION, AND WOOL FIBERGLASS MANUFACTURING

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for new rules concerning the incorporation of National Emission Standards for Hazardous Air Pollutants (NESHAP) for off-site waste and recovery operations, pulp and paper production (noncombustion), phosphoric acid manufacturing and phosphate fertilizers production, generic MACT, pesticide active ingredient, mineral wool production, and wool fiberglass manufacturing. The purpose of this notice is to seek public comment on the draft rule, including suggestions for specific language to be included in the rule. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 20-23; 326 IAC 20-33; 326 IAC 20-34; 326 IAC 20-35; 326 IAC 20-36; 326 IAC 20-37; 326 IAC 20-38; 326 IAC 20-39; 326 IAC 20-40; 326 IAC 20-41; 326 IAC 20-42; 326 IAC 20-43; 326 IAC 20-44; 326 IAC 20-45; 326 IAC 20-46; 326 IAC 20-47.

AUTHORITY: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11.

STATUTORY REQUIREMENTS

IC 13-14-9-7 recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that the rulemaking policy alternatives available to IDEM are so limited that the notice of first public comment period would provide no substantial benefit, IDEM may forego this comment period and proceed directly to the notice of second public comment period.

If the commissioner makes the determination of limited rulemaking policy alternatives required by IC

13-14-9-7, the commissioner shall prepare written findings and include them in the second notice of public comment period published in the Indiana Register. This document constitutes the commissioner's written findings pursuant to IC 13-14-9-7.

The statute provides for this shortened rulemaking process if the commissioner determines that "the rulemaking policy alternatives available to the department are so limited that the public notice and comment period under [IC 13-14-9-3]...would provide no substantial benefit to:

- (1) the environment; or
- (2) persons to be regulated or otherwise affected by the proposed rule."

BACKGROUND

The 1990 Amendments of the Clean Air Act require the United States Environmental Protection Agency (U.S. EPA) to regulate major sources of hazardous air pollutants. A major source is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit as a whole, considering controls, ten (10) tons per year or more of any single hazardous air pollutant or twenty-five (25) tons per year or more of any combination of hazardous air pollutants. Hazardous air pollutants are listed by U.S. EPA because they are either known or suspected to cause cancer or other serious health effects. There are currently one hundred eighty-eight (188) hazardous air pollutants listed in the Clean Air Act. On July 16, 1992, (57 FR 31576), U.S. EPA published a list of industrial groups (i.e., source categories) that emit one (1) or more of the one hundred eighty-eight (188) listed hazardous air pollutants. The Clean Air Act requires U.S. EPA to develop emission standards, referred to as national emission standards for hazardous air pollutants (NESHAPs), that require the application of air pollution reduction measures based on maximum achievable control technology (MACT) for the listed source categories. This state rulemaking would incorporate by reference the following NESHAPs:

Pulp and paper production facilities. On April 15, 1998, U.S. EPA promulgated national emission standards (63 FR 18503) to reduce hazardous air pollutant emissions from pulp and paper production facilities. This NESHAP applies to pulp and paper production processes included under standard industrial classification (SIC) code 26. Regulated categories and entities include pulp mills and integrated mills (i.e., mills that manufacture pulp and paper/paperboard) that mechanically, chemically, or semichemically pulp wood fiber using kraft, sulfite, or soda; pulp secondary fiber; or pulp nonwood fiber. This NESHAP specifies emission standards for pulping processes and bleaching processes. The emission standards for pulping and bleaching processes provide several options for compliance, including a pollution prevention option. The hazardous air pollutants emitted by facilities covered by this NESHAP include compounds such as methanol, chlorinated compounds, formaldehyde, benzene, and xylene. This final NESHAP is estimated to reduce baseline emissions of hazardous air pollutants by sixty-five percent (65%) nationally or one hundred fifty-three thousand one hundred seventy-eight (153,178) tons per year. At this time, there is one (1) source in Indiana subject to this NESHAP. With a few exceptions, existing sources must comply with the NESHAP no later than April 16, 2001. New

or reconstructed sources must comply with the NESHAP upon startup.

Pesticide active ingredient. On June 23, 1999, U.S. EPA promulgated national emission standards (64 FR 33549) to reduce hazardous air pollutant emissions from pesticide active ingredient manufacturing operations. This rule applies to entities typically included under SIC codes 2869 and 2879. Regulated pesticide active ingredients are used to manufacture insecticide, herbicide, and fungicide pesticide products. The final rule controls emissions from the following areas in the manufacturing process: process vents; storage vessels; waste water and associated treatment residuals; certain equipment (e.g., pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valve connectors, and instrumentation systems); and heat exchange systems. This final rule will reduce national emissions of hazardous air pollutants (including toluene, methanol, methyl chloride, and hydrochloric acid) by two thousand seven hundred fifty-five (2,755) tons per year (i.e., a reduction of approximately sixty-five percent (65%) from current levels). Affected facilities can choose to comply with this rule's requirements using either add-on control devices or pollution prevention alternatives to control emissions from process vents. There are no known sources in Indiana affected by this NESHAP. Existing sources must comply by June 23, 2002. New or reconstructed sources are required to comply upon startup.

Phosphoric acid manufacturing and phosphate fertilizer production. On June 10, 1999, U.S. EPA promulgated national emission standards (64 FR 31357) to reduce hazardous air pollutant emissions from phosphoric acid manufacturing and phosphate fertilizers production facilities (SIC code 2874). Hazardous air pollutants emitted by the facilities covered by this rule include hydrogen fluoride, arsenic, beryllium, cadmium, chromium, manganese, mercury and nickel (hazardous air pollutant metals); and methyl isobutyl ketone. Implementing MACT-level controls is expected to reduce these hazardous air pollutant emissions from regulated sources by about three hundred forty-five (345) tons per year nationwide. This rule sets emission limits for the following emission points at affected sources or facilities: wet process phosphoric acid plants, superphosphoric acid plants, purified phosphoric acid plants, phosphate rock dryers, phosphate rock calciners, mono and diammonium phosphate fertilizer plants, and granular triple superphosphate fertilizer plants and storage buildings. The rule is structured to limit emissions across process lines that include several different emissions points for a given production unit. The rule establishes a single limit for each process line. This allows owners and operators the flexibility to arrange, operate, and control each line in the most efficient manner. Process lines for sources subject to the requirement in this rule will be exempted from otherwise applicable, less stringent federal new source performance standards. There are no known sources in Indiana subject to either category of this NESHAP. Each owner or operator of an existing affected source at a phosphoric acid manufacturing plant shall achieve compliance with the requirements of this NESHAP no later than June 10, 2002. Each owner or operator of a new phosphoric acid manufacturing plant must achieve compliance with the requirements upon startup of operations.

Generic MACT. On June 29, 1999, U.S. EPA promulgated a program (64 FR 34853) for setting national emission standards for hazardous air pollutants for certain small source categories consisting of

five (5) or fewer major sources. The program consists of a consolidated rulemaking package that provides general control requirements for certain source categories, including closed vent systems, recovery devices, fuel gas systems, storage vessels, and equipment leaks, as specified under Subparts SS, TT, UU, WW, and YY. The “generic MACT” standards establish an alternative methodology for making maximum achievable control technology determinations for appropriate small categories by referring to previous MACT standards that have been promulgated for similar sources in other categories. The basic objectives of the generic MACT program are to use public and private sector resources efficiently, and to promote regulatory consistency and predictability in MACT standards development. The final rule promulgates emission standards for acetal resins production, acrylic and modacrylic fiber production, hydrogen fluoride production, and polycarbonate production. U.S. EPA estimates that the impact on hazardous air pollutant emissions will be negligible because sources that would be subject to the requirements of this NESHAP are already well controlled. There is one (1) source in Indiana subject to Subpart YY of this NESHAP. The owner or operator of an existing affected source must comply with the NESHAP requirements by June 29, 2002. The owner or operator of a new or reconstructed affected source must achieve compliance with the requirements upon startup. If construction or reconstruction commenced after October 14, 1998, but before the effective date of the standards, the affected source must comply with the NESHAP requirements no later than July 1, 2002.

Off-site waste and recovery operations. On July 1, 1996, U.S. EPA promulgated national emission standards (61 FR 34140, subsequently amended in 64 FR 38950) for facilities that receive certain wastes, used oil, and used solvents from off-site locations for storage, treatment, recovery, or disposal at the facility. The rule requires MACT to reduce hazardous air pollutant emissions from tanks, surface impoundments, containers, oil-water separators, individual drain systems and other material conveyance systems, process vents, and equipment leaks, specified under Subparts DD, OO, QQ, RR, and VV. There are four (4) known sources in Indiana affected by this NESHAP. The final rule is based on a combination of control equipment and operation standards and work practice standards. Specific requirements for monitoring, record keeping, and reporting are specified in the regulation. U.S. EPA estimates that this rule will reduce hazardous air pollutant emissions by approximately forty-seven thousand (47,000) tons per year nationwide. The compliance date for existing sources was February 1, 2000. The compliance date for new or reconstructed sources is upon startup.

Mineral wool production. On June 1, 1999, U.S. EPA promulgated national emission standards (64 FR 29489) for sources in mineral wool production facilities (SIC code 3296). Hazardous air pollutants emitted by the facilities covered by this rule include carbonyl sulfide, nine hazardous metals, formaldehyde, and phenol. There are approximately ten (10) sources in Indiana subject to this NESHAP. U.S. EPA estimates that this final rule will reduce nationwide hazardous air pollutant emissions by fifty-one (51) tons per year. For existing sources, compliance with the emission limits must be demonstrated by June 1, 2002. For new and reconstructed sources, any control devices or monitoring equipment necessary to meet the emission limits must be installed upon startup.

Wool fiberglass manufacturing. On June 14, 1999, U.S. EPA promulgated national emission standards (64 FR 31695) for sources in wool fiberglass manufacturing facilities (SIC code 3296). The hazardous air pollutants emitted by the facilities covered by this rule include compounds of three (3) metals: arsenic, chromium, and lead, and three (3) organic hazardous air pollutants: formaldehyde, phenol, and methanol. There are approximately ten (10) sources in Indiana subject to this NESHAP. U.S. EPA estimates that the final rule will reduce nationwide emissions of hazardous air pollutants from these facilities by five hundred eighty (580) tons per year, a nearly thirty percent (30%) reduction from the current level of emissions. Existing sources must comply by June 14, 2002. New sources must demonstrate compliance with the standards at startup.

FINDINGS

The commissioner of IDEM has prepared written findings regarding rulemaking on the incorporation of national emission standards for hazardous air pollutants (NESHAP) for pulp and paper production (noncombustion), pesticide active ingredient, phosphoric acid manufacturing and phosphate fertilizers production, generic MACT, offsite-waste and recovery operations, mineral wool production, wool fiberglass manufacturing. These findings are prepared under IC 13-14-9-7 and are as follows:

- (1) This rule is the direct adoption of federal requirements that are applicable to Indiana and it contains no amendments that have a substantive effect on the scope or intended application of the federal rule.
- (2) Indiana is required by federal law to adopt national emission standards for hazardous air pollutants as established by the U.S. EPA.
- (3) The public will benefit from prompt adoption of this rule, because the state will have the legal authority to enforce these national emissions standards for hazardous air pollutants.
- (4) I have determined that under the specific circumstances pertaining to this rule, the rulemaking policy alternatives are so limited that the public notice and comment period provided in the notice of first public comment period would provide no substantial benefit to the environment or to persons to be regulated or otherwise affected by the rule.
- (5) The draft rule is hereby incorporated into these findings.

Lori F. Kaplan
Commissioner
Indiana Department of Environmental Management

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for

specific revisions to language to be contained in the rule. Mailed comments should be addressed to:

#00-183(APCB) Section 7 NESHAPs
Kathryn A. Watson, Chief
Air Programs Branch
Office of Air Management
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana, Monday through Friday, between 8:15 a.m. and 4:45 p.m.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by September 30, 2000.

Additional information regarding this action may be obtained from Chrystal Amr, Rules Development Section, Office of Air Management, (317) 234-1203 or (800) 451-6027, press 0, and ask for extension 4-1203 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 20-23-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 20-23-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to owners or operators of plant sites as provided in 40 CFR 63.680.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart DD, 61 FR 34140* (July 1, 1996), and **64 FR 38963 (July 20, 1999)***, National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this **section rule** may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air

Management, Indiana Government Center-North, 100 North Senate Avenue, **Tenth Floor**, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-23-1; filed Apr 23, 1998, 9:30 a.m.: 21 IR 3341*)

SECTION 2. 326 IAC 20-33 IS ADDED TO READ AS FOLLOWS:

Rule 33. Pulp and Paper Production; Noncombustion

**326 IAC 20-33-1 Pulp and paper production, noncombustion; applicability;
incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the owner or operator of processes that produce pulp, paper, or paperboard, as provided in 40 CFR 63.440, 63 FR 18503 (April 15, 1998)*, and that use any of the following processes and materials:

- (1) Kraft, soda, sulfite, or semichemical pulping processes.**
- (2) Mechanical pulping processes.**
- (3) Any process using secondary or nonwood fibers.**

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart S, 63 FR 18503 (April 15, 1998)*, national emission standards for hazardous air pollutants from the pulp and paper industry.

***Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-33-1*)**

SECTION 3. 326 IAC 20-34 IS ADDED TO READ AS FOLLOWS:

Rule 34. Phosphoric Acid Manufacturing and Phosphate Fertilizers Production

**326 IAC 20-34-1 Phosphoric acid manufacturing and phosphate fertilizers production;
applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the owner or operator of each:

- (1) phosphoric acid manufacturing plant as provided in 40 CFR 63.600, 64 FR 31357 (June 10, 1999)*; and**
- (2) phosphate fertilizers production plant as provided in 40 CFR 63.620, 64 FR 31357 (June 10, 1999)*.**

(b) The air pollution control board incorporates by reference the following:

- (1) 40 CFR 63, Subparts AA, 64 FR 31376 (June 10, 1999)*, national emission standards for hazardous air pollutants from phosphoric acid manufacturing plants.**
- (2) 40 CFR 63, Subpart BB, 64 FR 31382 (June 10, 1999)*, national emission standards for hazardous air pollutants from phosphate fertilizers production plants.**

***Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-34-1*)**

SECTION 4. 326 IAC 20-35 IS ADDED TO READ AS FOLLOWS:

Rule 35. Tanks—Level 1

326 IAC 20-35-1 Tanks—level 1; applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the control of air emissions from tanks for which another subpart of 40 CFR 60, 40 CFR 61, or 40 CFR 63 references the use of Subpart OO for such air emission control as provided in 40 CFR 63.900, 61 FR 34184 (July 1, 1996), and 64 FR 38985 (July 20, 1999)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart OO, 61 FR 34184 (July 1, 1996), and 64 FR 38985 (July 20, 1999)*, national emission standards for tanks—level 1.

***Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced**

in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-35-1*)

SECTION 5. 326 IAC 20-36 IS ADDED TO READ AS FOLLOWS:

Rule 36. Containers

326 IAC 20-36-1 Containers; applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the control of air emissions from containers for which another subpart of 40 CFR 60, 40 CFR 61, or 40 CFR 63 references the use of Subpart PP for such air emission control as provided in 40 CFR 63.920, 61 FR 34186 (July 1, 1996), and 64 FR 38987 (July 20, 1999)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart PP, 61 FR 34186 (July 1, 1996), and 64 FR 38987 (July 20, 1999)*, national emission standards for containers.

*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-36-1*)

SECTION 6. 326 IAC 20-37 IS ADDED TO READ AS FOLLOWS:

Rule 37. Surface Impoundments

326 IAC 20-37-1 Surface impoundments; applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the control of air emissions from surface impoundments for

which another subpart of 40 CFR 60, 40 CFR 61, or 40 CFR 63 references the use of Subpart QQ for such air emission control as provided in 40 CFR 63.940, 61 FR 34190 (July 1, 1996), and 64 FR 38988 (July 20, 1999)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart QQ, 61 FR 34190 (July 1, 1996), and 64 FR 38988 (July 20, 1999)*, national emission standards for surface impoundments.

*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-37-1*)

SECTION 7. 326 IAC 20-38 IS ADDED TO READ AS FOLLOWS:

Rule 38. Individual Drain Systems

326 IAC 20-38-1 Individual drain systems; applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the control of air emissions from individual drain systems for which another subpart of 40 CFR 60, 40 CFR 61, or 40 CFR 63 references the use of Subpart RR for such air emission control as provided in 40 CFR 63.960, 61 FR 34193 (July 1, 1996), and 64 FR 38989 (July 20, 1999)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart RR, 61 FR 34193 (July 1, 1996), and 64 FR 38989 (July 20, 1999)*, national emission standards for individual drain systems.

*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-38-1*)

SECTION 8. 326 IAC 20-39 IS ADDED TO READ AS FOLLOWS:

Rule 39. Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process

326 IAC 20-39-1 Closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process; applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The provisions of this rule include requirements for closed vent systems, control devices, and routing of air emissions to a fuel gas system or process. These provisions apply when another subpart references the use of Subpart SS for such air emission control as provided in 40 CFR 63.980, 64 FR 34866 (June 29, 1999)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart SS, 64 FR 34866 (June 29, 1999)*, national emission standards for closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process.

***Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-39-1*)**

SECTION 9. 326 IAC 20-40 IS ADDED TO READ AS FOLLOWS:

Rule 40. Equipment Leaks—Control Level 1

326 IAC 20-40-1 Equipment leaks—control level 1; applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The provisions of this rule apply to the control of air emissions from equipment leaks for which another subpart references the use of Subpart TT for such air emission control as provided in 40 CFR 63.1000, 64 FR 34886 (June 29, 1999)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart TT, 64 FR 34886 (June 29, 1999)*, national emission standards for equipment leaks—control level 1.

***Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-40-1*)**

SECTION 10. 326 IAC 20-41 IS ADDED TO READ AS FOLLOWS:

Rule 41. Equipment Leaks—Control Level 2

326 IAC 20-41-1 Equipment leaks—control level 2 standards; applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) The provisions of this rule apply to the control of air emissions from equipment leaks for which another subpart references the use of Subpart UU for such air emission control as provided in 40 CFR 63.1019, 64 FR 34899 (June 29, 1999)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart UU, 64 FR 34899 (June 29, 1999)*, national emission standards for equipment leaks—control level 2 standards.

***Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-41-1*)**

SECTION 11. 326 IAC 20-42 IS ADDED TO READ AS FOLLOWS:

Rule 42. Oil-Water Separators and Organic-Water Separators

326 IAC 20-42-1 Oil-water separators and organic-water separators; applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the control of air emissions from oil-water separators and organic-water separators for which another subpart of 40 CFR 60, 40 CFR 61, or 40 CFR 63 references the use of Subpart VV for such air emission control as provided in 40 CFR 63.1040, 61 FR 34195 (July 1, 1996) and 64 FR 38991 (July 20, 1999)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart VV, 61 FR 34195 (July 1, 1996) and 64 FR 38991 (July 20, 1999)*, national emission standards for oil-water separators and organic-water separators.

***Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-42-1*)**

SECTION 12. 326 IAC 20-43 IS ADDED TO READ AS FOLLOWS:

Rule 43. Storage Vessels (Tanks)—Control Level 2

326 IAC 20-43-1 Storage vessels (tanks)—control level 2; applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) The provisions of this rule apply to the control of air emissions from storage vessels for which another subpart references the use of Subpart WW for such air emission control as provided in 40 CFR 63.1060, 64 FR 34918 (June 29, 1999)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart WW, 64 FR 34918 (June 29, 1999)*, national emission standards for storage vessels (tanks)—control level 2.

***Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management,**

Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-43-1*)

SECTION 13. 326 IAC 20-44 IS ADDED TO READ AS FOLLOWS:

Rule 44. Generic Maximum Achievable Control Technology

326 IAC 20-44-1 Generic maximum achievable control technology standards; applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to source categories and affected sources specified in 40 CFR 63.1100, 64 FR 34921 (June 29, 1999)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart YY, 64 FR 34921 (June 29, 1999)*, national emission standards for hazardous air pollutants for source categories; generic maximum achievable control technology standards.

***Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-44-1*)**

SECTION 14. 326 IAC 20-45 IS ADDED TO READ AS FOLLOWS:

Rule 45. Pesticide Active Ingredient

326 IAC 20-45-1 Pesticide active ingredient production; applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to affected sources as provided in 40 CFR 63.1360, 64 FR 33549 (June 23, 1999)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart MMM,

64 FR 33549 (June 23, 1999)*, national emission standards for hazardous air pollutants for pesticide active ingredient production.

***Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-45-1*)**

SECTION 15. 326 IAC 20-46 IS ADDED TO READ AS FOLLOWS:

Rule 46. Mineral Wool Production

326 IAC 20-46-1 Mineral wool production; applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to mineral wool production facilities as provided in 40 CFR 63.1177, 64 FR 29503 (June 1, 1999)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart DDD, 64 FR 29503 (June 1, 1999)*, national emission standards for hazardous air pollutants from mineral wool production.

***Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-46-1*)**

SECTION 16. 326 IAC 20-47 IS ADDED TO READ AS FOLLOWS:

Rule 47. Wool Fiberglass Manufacturing

326 IAC 20-47-1 Wool fiberglass manufacturing; applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the owner or operator of each wool fiberglass manufacturing facility as provided in 40 CFR 63.1380, 64 FR 31695 (June 14, 1999)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart NNN, 64 FR 31695 (June 14, 1999)*, national emission standards for hazardous air pollutants for wool fiberglass manufacturing.

***Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (Air Pollution Control Board; 326 IAC 20-47-1)**

Notice of First Meeting/Hearing

Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2 and IC 13-14-9, notice is hereby given that on December 6, 2000 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 1 and 2, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on amended rule 326 IAC 20-23, concerning off-site waste and recovery operations, and new rules 326 IAC 20-33, concerning pulp and paper production (noncombustion), 326 IAC 20-34, concerning phosphoric acid manufacturing and phosphate fertilizers production, 326 IAC 20-35, concerning tanks—level 1, 326 IAC 20-36, concerning containers, 326 IAC 20-37, concerning surface impoundments, 326 IAC 20-38, concerning individual drain systems, 326 IAC 20-39, concerning closed vent systems, control devices, recovery devices and routing to a fuel gas system or a process, 326 IAC 20-40, concerning equipment leaks—control level 1, 326 IAC 20-41, concerning equipment leaks—control level 2, 326 IAC 20-42, concerning oil-water separators and organic-water separators, 326 IAC 20-43, concerning storage vessels (tanks)—control level 2, 326 IAC 20-44, concerning generic maximum achievable control technology standards, 326 IAC 20-45, concerning pesticide active ingredient, 326 IAC 20-46, concerning mineral wool production, and 326 IAC 20-47, concerning wool fiberglass manufacturing.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rules. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed at this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).

Additional information regarding this action may be obtained from Chrystal Amr, Rule Development Section, Office of Air Management, (317) 234-1203 or (800) 451-6027, press 0, and ask for extension 4-1203 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change of Notice section of the Indiana Register.

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

*Attn: David Weir, ADA Coordinator
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015*

or call (317) 233-1785. TDD: (317) 232-6565. Speech and hearing impaired callers may also contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Management, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East, Indianapolis, Indiana and are open for public inspection.